

Part 2 Chapter 2: QUALIFICATIONS

Rule 2.2 Location

(a) The legislature has declared gaming operations legal if licensed by the Commission and conducted upon establishments, vessels and cruise vessels located in certain statutorily described areas where voters have not voted to prohibit gaming. The Commission, as authorized by law and in conformity with the power and responsibility vested in it by the legislature, finds that gaming licensees may operate at the following locations. Nothing in this section shall act to prevent the Commission from denying a gaming license or preliminary site approval based on the unsuitability of a particular site.

1. Cruise Vessels. Waters within the State of Mississippi which lie adjacent to the three (3) most southern counties of the State. In addition to the Mississippi Sound, this would include St. Louis Bay, Biloxi Bay and Pascagoula Bay. However, the rivers, bayous, lakes and back bays leading into these bays, including but not limited to the Jourdan River, Wolf River, Bernard Bayou, Tchoutacabouffa River, Pascagoula River and Escatawpa River, Biloxi River, Big Lake and Back Bay of Biloxi are not within the authorized area. In determining where the river ends and the bay begins, an imaginary line shall be drawn from the foremost land mass at the intersection of the river and bay, straight across the river to the foremost land mass of the intersection on the other side. In determining where Back Bay of Biloxi ends and Biloxi Bay begins, an imaginary line shall be drawn beginning at a point 1200 feet west of the center line of Interstate 110 on the northern shore to a point on the center line of Interstate 110 on the southern shore.
2. Vessels. Vessels must be on the Mississippi River or navigable waters within any county bordering on the Mississippi River when such navigable waters run into the Mississippi River. Navigable waters mean any rivers, creeks, bayous or other bodies of water that are used or susceptible of being used as an artery of commerce and which either in their natural or improved condition are used or suitable for use as an artery of commerce or are used for the docking or mooring of a vessel, notwithstanding interruptions between the navigable parts of such rivers, creeks, bayous or other bodies of water by falls, shallows, or rapids compelling land carriage. Vessels may be located (1) on the Mississippi River, including oxbow lakes immediately adjacent to the Mississippi River, that communicate with the Mississippi River and are characterized by currents which reverse seasonally, running one direction when the Mississippi River rises, and the opposite direction when it falls, and (2) on navigable waters.
 - i. “Navigable Waters” are defined as rivers, creeks, bayous or other naturally occurring bodies of water that, at the time of application and prior to improvements to accommodate a vessel empty into the Mississippi River in the county where the applicant casino is located; are located within a county where gaming is legal, in other words, do not border a county where gaming is illegal; are used or susceptible of being used as an artery of commerce for substantial commercial traffic; either in their natural or improved condition are used or suitable for use as an artery of commerce for substantial commercial traffic or are used for docking or mooring of a vessel; and are of a sufficient depth and width at least thirty (30) days of the calendar year to accommodate a vessel of at least 150’ in length and the proposed width of the applicant vessel.

- ii. Naturally occurring interruptions between the navigable parts of such rivers, creeks, bayous or other bodies of water by falls, shallows, or rapids compelling land carriage do not deprive it of its classification of navigable. Artificial impediments to navigation for substantial commercial traffic do not deprive rivers, creeks, bayous or other bodies of water of their status as navigable.
 - iii. In accordance with the above, vessels must be west of the main line levee that runs from the border between the states of Mississippi and Tennessee to the end of the main line levee in Warren County and west of the naturally occurring levee system or bluffs from Warren County to the border between Wilkinson County, Mississippi and West Feliciana Parish, Louisiana, except vessels may be located on the Yazoo River within Warren County and the Big Black River where it forms the border between Warren and Claiborne Counties.
3. Establishments. The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in the above paragraph.
4. The Executive Director may make a recommendation to the Commission regarding the qualification of a location for gaming operations upon the request of an applicant for an operator's license or upon a finding by the Executive Director that such determination is necessary and in accord with public policy.
5. These amendments shall apply to all existing, pending, renewal and new applicants for a license or preliminary site approval. (Adopted: 11/14/1990; Amended: 12/12/1990; Amended: 07/16/1998; Amended: 04/26/2001; Amended: 07/23/2003; Amended: 02/23/2006.)

Source: *Miss. Code Ann.* §§ 75-76-3, 75-76-29, 75-76-33

Rule 2.11 Hurricane Emergency Procedure - Casino Operations.

(a) DEFINITIONS. As used in this regulation.

1. EMERGENCY MANAGEMENT DIRECTOR/COORDINATOR:

The individual in the local area responsible for coordination and leadership in developing civil preparedness and emergency management.

2. EMERGENCY OPERATIONS CENTER:

A central location used by command and control agencies or personnel. Usually located in a hardened building to increase protection for personnel.

(b) IDENTIFICATION OF AGENCIES AND ABBREVIATIONS.

As used in this regulation.

1. BVA - Bill Validator Acceptors.
2. EOC - Emergency Operations Center.
3. MEMA - Mississippi Emergency Management Agency.
4. MGC - Mississippi Gaming Commission.

(c) GENERAL. This regulation requires that establishments and cruise vessels utilized for gaming effected by Section 10, Hurricane Preparedness Policy, shall be subject to this regulation. The purpose of this regulation is to describe the requirements casino management shall incorporate into their company emergency plan for use in closing and reopening the casino establishments, or cruise vessels in the event of a hurricane situation. In order to provide the most effective response to hurricane threats, coordination shall be through the MGC. This office will be in close and constant contact with MEMA and local Emergency Management through the Harrison County Emergency Operations Center. In the event of an emergency under this regulation, each casino shall have immediately available to MGC personnel the closure procedures as outlined and approved by this agency to be used as a check list for closure.

1. The response activities presented here are applicable to hurricane threats only and will provide adequate direction for casino management and will affect only the casino establishments and cruise vessels. All land based non-gaming facilities will receive direction from the Emergency Management Director. To expedite action, these directions may be passed through the MGC. (2) The procedures for closure and re-opening will not be identical for each casino due to the various sizes and shapes. Therefore, careful consideration must be made in preparation of each plan (3) The MGC will coordinate with MEMA on each plan to ensure procedures are adequate to ensure compliance with the Mississippi Gaming Control Act and Mississippi Gaming Commission Regulations.
2. The items identified in the following sections are not all inclusive. Each plan will be approved based on the individual casino, its design, layout, and internal controls.
3. Each casino effected by this regulation must develop a detailed time phased casino hurricane emergency operation's plan with supporting procedures and documents. The detailed plan must be designed to follow the warning and watch system normally used by the National Weather Service and promulgated locally by the County Emergency Management Agency. This tiered system should provide adequate notification for management to initiate a phased preparation for closure. Include the following items:
 - i. Emergency plan review to ensure it is adequate and current. Changes made to the facility must be incorporated.
 - ii. Identify a point of contact with current telephone and facsimile numbers and e-mail address to the MGC.
 - iii. Identify critical personnel who will be working closures.
 - iv. Identify training requirements and schedule for training personnel.

- v. Review, identify, and update storm tracking responsibilities.
 - vi. Provide steps to procure any emergency supplies needed during closure actions such as bags, plastic wrap, wood, and tape.
 - vii. Develop a short notice closure program containing only the critical actions mandatory for closure and evacuation.
 - viii. Provide procedures and methods for communicating with emergency agencies.
4. Each casino shall be responsible for the following preparedness duties:
- i. Instruct employees on disaster plans and their actions or roles.
 - ii. Coordinate with supporting companies and agencies to ensure all are aware of individual casino requirements.
 - iii. Secure adequate storage facilities for critical records and equipment.
 - iv. Stock adequate supplies used in the emergency plan.
 - v. Maintain a constant schedule of maintenance and repair of equipment such as emergency generators.
5. Each casino shall be responsible for the following response during an emergency:
- i. Activate casino emergency operations staff.
 - ii. Initiate time phased casino emergency plan.
6. The Emergency Operation's Plan shall include the following procedures:
- i. When TROPICAL STORM WATCH is issued:
 - 1. Provide casino representative for any meetings necessary with the MGC.
 - 2. Inform the MGC where accounting back-up tapes will be stored. Preferred storage area is an institutional vault.
 - 3. Ensure adequate storage space is available for critical items such as accounting records, computers, BVAs, table floats, etc.
 - 4. Review manpower situation to ensure sufficient personnel are available.
 - 5. Review requirements for boarding and/or taping windows.
 - 6. Ensure security and surveillance requirements will be maintained.
 - ii. If TROPICAL STORM WARNING is issued:
 - 1. Verify actions outlined in TROPICAL STORM WATCH have been completed.
 - 2. Ensure plans cover power loss.
 - 3. Continue to monitor the storms progress.
 - iii. If HURRICANE WATCH is issued:
 - 1. Provide procedures for scaling down operations.
 - 2. Review drop schedules and predicted storm land fall to request time changes if needed.
 - 3. Provide procedures for departments to review work schedules to allow employees to leave if possible so they can evacuate.
 - 4. Maintain contact with the MGC agent assigned in preparation for possible closure order.
 - iv. If HURRICANE WARNING is issued:
 - 1. Establish procedures to receive closure order from MGC.
 - 2. Identify procedures for securing gaming cheques located in floats, for

- accomplishing table box drops, securing cards and dice, securing BVAs in the slot machines, securing monies in change booths, and count rooms.
3. Identify which entry will be primary entrance and exit during closure.
 4. Identify procedures to ensure surveillance and security will be maintained.
 5. Identify procedures to ensure fire and other safety codes or regulations will be met for as long as possible.
 6. Identify critical records, documents, and accounting backup tapes and removal procedure.
 7. Identify procedures for closing and securing KENO areas.
 8. Identify any other procedures casino management feels necessary to safely close the casino.
 9. Open lines of communication with MGC.
 10. Completely close and evacuate casino as required.
 11. Each casino shall be responsible for the following recovery action:
 - i. Continue response actions as required by the County Emergency Management Agency.
 - ii. Assess damage to establishments, casino vessel and supporting structures.
 - iii. Implement repairs to facilities.
 - iv. Request permission to reopen when safe environment is determined. The decision to reopen will be made by the MGC in conjunction with MEMA and local emergency management agencies.
 - v. Identify company personnel responsible for accomplishing damage assessment to work with the specialized teams from MEMA or the County Emergency Management Agency.
 - vi. Identify procedures for maintaining power, fire alarms, and safety items.
 - vii. Identify reopening team members.
 - viii. Identify means to ensure surveillance and security coverage will be provided to comply with MGC regulations.
 - ix. Identify procedures to install drop boxes, floats, BVAs, and any other materials placed into storage.
 - x. Identify procedures to start the slot computer accounting system.
 - xvi. Identify distribution procedures for cards and dice.
1. If EOC personnel find that the risk of completing closure requirements will place casino personnel in imminent danger of loss of life, the Executive Director of the MGC or his designee may, at their discretion, override certain closure procedures or order immediate evacuation of the cruise vessel or gaming establishments. (Adopted: 03/21/1996; Amended: 02/23/2006.)